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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,604	11/25/2003	Seiichi Kawano	JP920000184US3	5620
53493	7590	07/13/2007		
LENOVO (US) IP Law 1009 Think Place Building One, 4th Floor 4B6 Morrisville, NC 27560			EXAMINER PIZIALI, JEFFREY J	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,604	KAWANO, SEIICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeff Piziali	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/938,221.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/938,221, filed on 23 August 2001.

### ***Election/Restrictions***

2. Applicant's election of Species III, Sub-Species A (i.e., claims 1-3) in the reply filed on 26 April 2007 is acknowledged and appreciated. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

3. The disclosure is objected to because of the following informalities: the term "suer's" should be changed to "user's" (see Page 2, Line 13 of the Instant Specification). Appropriate correction is required.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities: the phrase "the processor executes the following processings for:" renders it unclear whether the subsequent claimed subject matter represents actual "processings" executed by the processor, or rather *reasons* for a plurality of "processings" to be executed by the processor. Perhaps the applicant meant to say, "the processor executes the following processings:"? Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "the display brightness" in line 5 and the limitation "the screen" in line 5. There is insufficient antecedent basis for either limitation in the claim.

9. Claim 1 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "the display brightness" recited in line 5, "a

Art Unit: 2629

screen brightness" recited in line 7, and "the brightness" recited in line 9. It would be unclear to one having ordinary skill in the art whether "the brightness" refers to "the display brightness" or the "screen brightness."

10. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

11. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "an image" recited in line 2, "an image" recited in line 7, and "the image" recited in line 8. It would be unclear to one having ordinary skill in the art whether the claim is referring to a single identical image, or rather referring to two separate and distinct images.

12. Claim 3 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "a brightness control signal" recited in line 6 and "a brightness control signal" recited in lines 10-11. It would be unclear to one having ordinary skill in the art whether the claim is referring to a single identical brightness control signal, or rather referring to two separate and distinct brightness control signals.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by *Evanicky et al* (***US 6,611,249 B1***).

Regarding claim 1, Evanicky discloses a computer system [Fig. 1; 10], comprising: a processor [Fig. 1; 12] for executing an arithmetic operation (see Column 6, Line 15 - Column 7, Line 12); and a display unit [Fig. 2; 216] for displaying a result [Fig. 17; 1100] of the arithmetic operation executed by the processor (see Column 7, Lines 15-56); wherein the processor executes the following processings for: detecting [Fig. 14D; 800] the display brightness in a certain window [Fig. 17; 1140] displayed on the screen [Figs. 2 & 17; 210] of the display unit; and controlling the display unit so as to change a screen brightness of the display unit according to the detected display brightness in the window (see Column 19, Line 48 - Column 20, Line 24), and the display unit changing the brightness [Fig. 16; 1060] under the control of the processor (see Column 18, Line 30 - Column 19, Line 47).

Regarding claim 2, Evanicky discloses the processor is controlled by an operating system (see Column 19, Lines 58-67) having a power management function and wherein the processor

controls (see Column 12, Lines 38-55) the display unit with use of the power management function of the operating system so as to change the screen brightness of the display unit (see Column 15, Lines 42-58).

Regarding claim 3, this claim is rejected by the reasoning applied in rejecting claim 1; furthermore, Evanicky discloses a liquid crystal display unit [Fig. 2; 216], comprising: a liquid crystal display screen [Figs. 2, 3, and 17; 210] for displaying an image (see Column 7, Line 57 - Column 10, Line 14); a back-light [Fig. 3; 132, 136] for lighting the liquid crystal display screen; and a brightness controller [Fig. 1; 12] for controlling a brightness of the back-light (see Column 7, Lines 15-56); wherein the brightness controller executes processings for: receiving a brightness control signal [Fig. 14D; 800] generated according to a display brightness in a specific area [Fig. 17; 1140] calculated from a draw signal in an image in the specific area (see Column 19, Line 48 - Column 20, Line 24), the image being selected from a plurality of images to be displayed in the liquid crystal display screen; and changing the brightness [Fig. 16; 1060] of the back-light according to a brightness control signal (see Column 18, Line 30 - Column 19, Line 47).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Funamoto et al (US 6,795,053 B1), Johnson (US 6,608,614 B1), Mendelson et al (US 6,559,826 B1), Someya et al (US 6,300,931 B1), Kawashima et al (US 6,188,380 B1), Clifton et al (US 6,043,797 A), Katada (US 5,933,089 A), Walsh et al (US 5,886,681 A), Blouin (US

Art Unit: 2629

5,850,205 A), Ichise (US 5,786,801 A), Bohan et al (US 5,371,537 A), and Wood (US 5,128,782 A) are cited to further evidence the state of the art pertaining to liquid crystal display units and computer systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali  
2 July 2007